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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/537,002	05/20/2005	Ugur Sahin	4883-0001	7473
27123	7590	06/02/2006	EXAMINER	
MORGAN & FINNEGAN, L.L.P. 3 WORLD FINANCIAL CENTER NEW YORK, NY 10281-2101			LIETO, LOUIS D	
			ART UNIT	PAPER NUMBER
			1632	

DATE MAILED: 06/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/537,002	Applicant(s) SAHIN ET AL.	
	Examiner Louis D. Lieto	Art Unit 1632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 10 May 2006.
- 2a) ☐ This action is FINAL.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 99-115 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 99-115 are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

It is noted that applicant has canceled claims 1-98 and added new claims 99-115. After further consideration it has been determined that new claims 99-115 require further restriction.

#### ***Election/Restrictions***

Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) 99-106, drawn to a method of diagnosing a disease, comprising detecting a polypeptide tumor associated antigen, wherein said antigen has the sequence of SEQ ID NO:16.

Group II, claim(s) 99-106, drawn to a method of diagnosing a disease, comprising detecting a polypeptide tumor associated antigen, wherein said antigen has a sequence of SEQ ID NO:118.

Group III, claim(s) 99-106, drawn to a method of diagnosing a disease, comprising detecting a polypeptide tumor associated antigen, wherein said antigen has a sequence encoded by SEQ ID NO:7

Group IV, claim(s) 99-106, drawn to a method of diagnosing a disease, comprising detecting a polypeptide tumor associated antigen, wherein said antigen has a sequence encoded by SEQ ID NO:117

Group V, claim(s) 99-106, drawn to a method of diagnosing a disease, comprising detecting a polypeptide tumor associated antigen, wherein said antigen has a sequence encoded by a nucleic acid that hybridizes to SEQ ID NO:7.

Group VI, claim(s) 99-106, drawn to a method of diagnosing a disease, comprising detecting a polypeptide tumor associated antigen, wherein said antigen has a sequence encoded by a nucleic acid that hybridizes to SEQ ID NO:117.

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Group VII, claim(s) 107-115, drawn to a method of diagnosing a disease, comprising detecting a nucleic acid, which encodes a tumor associated antigen, wherein said nucleic acid is SEQ ID NO:7.

Group VIII, claim(s) 107-115, drawn to a method of diagnosing a disease, comprising detecting a nucleic acid, which encodes a tumor associated antigen, wherein said nucleic acid is SEQ ID NO:117.

Group IX, claim(s) 107-115, drawn to a method of diagnosing a disease, comprising detecting a nucleic acid, which encodes a tumor associated antigen, wherein said nucleic acid encodes SEQ ID NO:16

Group X, claim(s) 107-115, drawn to a method of diagnosing a disease, comprising detecting a nucleic acid, which encodes a tumor associated antigen, wherein said nucleic acid encodes SEQ ID NO:118

Group XI, claim(s) 107-115, drawn to a method of diagnosing a disease, comprising detecting a nucleic acid, which encodes a tumor associated antigen, wherein said nucleic acid hybridizes to SEQ ID NO:7.

Group XII, claim(s) 107-115, drawn to a method of diagnosing a disease, comprising detecting a nucleic acid, which encodes a tumor associated antigen, wherein said nucleic acid hybridizes to SEQ ID NO:117.

The inventions listed as Groups I- XII do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons:

Inventions I-XII lack a unifying special technical feature. Applicant provided reference International Application WO 99/64452 (16.12.99) discloses GPR35A polypeptides, methods for making such polypeptides by recombinant means, and using such polypeptides (Abstract).

Since the claimed subject matter was known from the prior art document of International Application WO 99/64452, the subject matters of claims 99-100 are not so linked as to form a single general inventive concept (Rule 13.1 PCT) as they appear not to be linked by a new and inventive common special technical feature in the sense of Rule 13.2 PCT by taking into account

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the state of the art.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement may be traversed (37 CFR 1.143).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to (571) 272-0547. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dr. Lou Lieto whose telephone number is (571) 272-2932. The examiner can normally be reached on Monday-Friday, 9am-5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dr. Ram Shukla can be reached on (571) 272-0735. The fax phone number for the organization where this application or proceeding is assigned is (571)-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Patent applicants with problems or questions regarding electronic images that can be viewed in the PAIR can now contact the USPTO's Patent Electronic Business Center (Patent EBC) for assistance. Representatives are available to answer your questions daily from 6 am to midnight (EST). The toll free number is (866) 217-9197. When calling please have your application serial or patent number, the type of document you are having an image problem with, the number of pages and the specific nature of the problem. The Patent Electronic Business Center will notify applicants of the resolution of the problem within 5-7 business days. Applicants can also check PAIR to confirm that the problem has been corrected. The USPTO's Patent Electronic Business Center is a complete service center supporting all patent business on the Internet. The USPTO's PAIR system provides Internet-based access to patent application status and history information. It also enables applicants to view the scanned images of their own application file folder(s) as well as general patent information available to the public.

For all other customer support, please call the USPTO Call Center (UCC) at 800-786-9199.

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